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LITTLE LAKE CEMETERY:

ITS

RULES, REGULATIONS, &c.,

WITH AN APPENDIX

CONTAINING

CATALOGUE OF PROPRIETORS,

REPORT OF SURVEYOR,

AND A COPY OF THE

ACT OF INCORPORATION,

&c. &c. &c.

Peterborough C.M.

TORONTO:

PRINTED AT H. SCOBIE'S STEAM PRINTING ESTABLISHMENT.

1852.

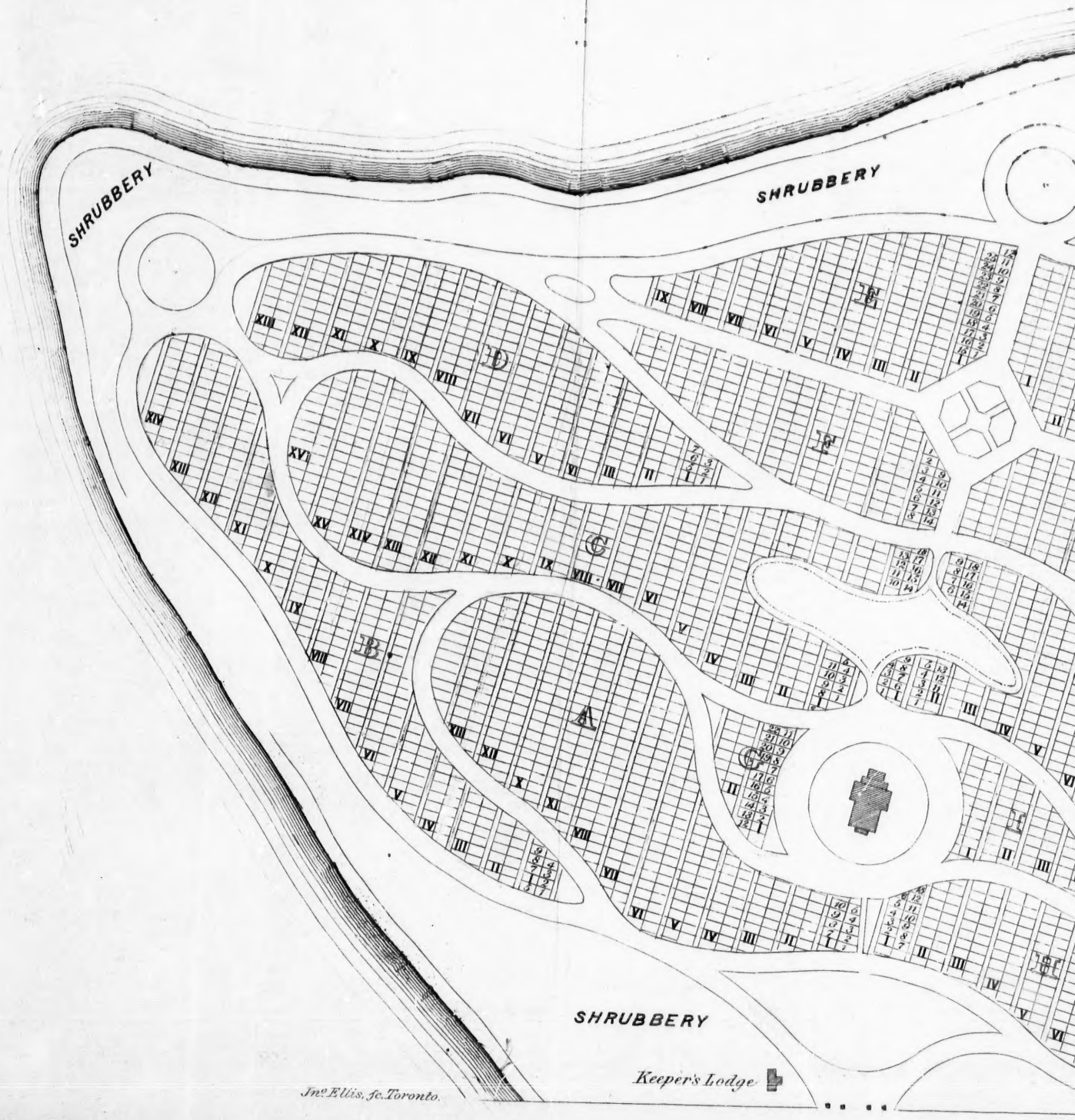
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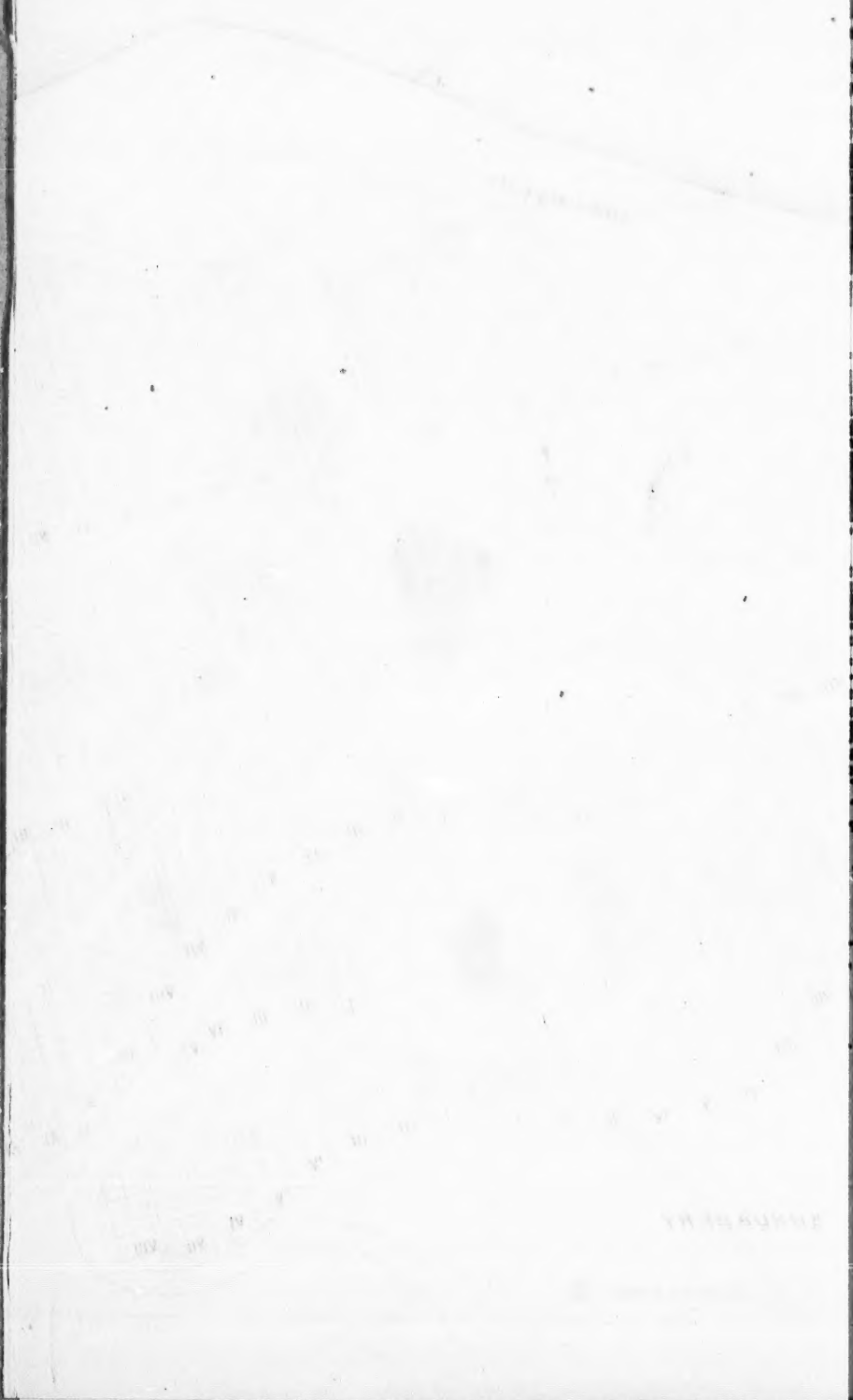
Jno. Ellis, sc. Toronto.

Keeper's Lodge

PLAN OF THE
LITTLE LAKE
CEMETERY.
PETERBOROUGH.
C. C.



5.



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1852.

OFFICERS
OF THE
INCORPORATION,
FOR 1852.

DIRECTORS:

W. S. CONGER, Esq., *President.*

G. B. HALL, JUDGE, C. C. EDMOND CHAMBERLEN,

REV. JOHN GILMOUR, R. D. ROGERS,

REV. J. M. ROGER, WILLIAM HALL, and

THOMAS BENSON, JAMES HALL, Esquires.

ROBERT DENNISTOUN, Esquire, *Secretary & Treasurer.*

TO THE PUBLIC.

The importance of establishing rural Cemeteries in the vicinity of populous Towns and Cities throughout the civilized world is now so universally admitted, and the impropriety of making interments beneath and around Churches and in small burying grounds so generally acknowledged, that any attempt at this time to prove the advantages of the one or the injurious tendency of the other would be unnecessary.

So strongly were the promoters of the Little Lake Cemetery impressed with the advantages of securing suitable resting places for the dead, where they might remain undisturbed for all time to come, that they prepared a Bill and caused it to be introduced into Parliament, which Bill afterwards became a law, authorizing the formation of Cemetery Companies throughout Canada West.

It was under this Act—which will be found in another part of this pamphlet—that the Little Lake Cemetery Company was incorporated.

The grounds selected by the Company, while they are sufficiently remote from the Town to insure security against those violations of the grave—which the rapid growth of our American Towns so frequently subject them to, are yet so near—being within one mile of the market square—as to render them of easy access.

The appropriateness of the Site, and the beauty of the Scenery cannot be surpassed, and when the improvements commenced shall have been carried into effect, "The Little Lake Cemetery" will, during the summer season, afford a delightful place of resort, either to walk or drive; for not only has great care been taken to select the most suitable ground for its location, but skilful and competent artists have been employed to design and lay it out in a manner suited to the tastes

and wishes of a discerning public; and no reasonable expense will be spared to embellish and improve it.

The Act of Incorporation authorizes and directs the land required by the Company to be disposed of, and used *exclusively* for the burial of the dead.

It exempts such land *forever* from assessment, and from all *public taxes*, and also from all liability to be sold on execution, or for the payment of debts, by assignment under any insolvent law; it requires that after the payment of the purchase money of the lands shall have been made, the proceeds of all future sales shall be appropriated to the embellishment and improvement of said Cemetery, and to the incidental expenses thereof, and to *no other purposes whatever*.

It authorizes every proprietor of a lot to vote at any election of Directors; and requires that said Directors, nine in number, shall be chosen from among the proprietors of lots.

The engraving which accompanies this pamphlet, will convey an idea of the laying-out of the grounds, the size and situation of lots, and will also assist purchasers in their selections. The price will be fixed on all lots before being thrown open for sale; and purchasers will have the right to choose from all unselected ground not reserved for public monuments: the prices of lots will vary from One to Three Pounds Currency.

A beautiful and convenient portion of these grounds has been set apart as a public burying place, where single graves will be furnished at the trifling cost of 5s. each: another portion has also been set apart for the burial of the poor of all countries and creeds free of charge.

A Keeper will be appointed to these grounds, who will always be in attendance, and to whom application may be made for lots or single graves, and who will also attend to the preparation of the same. Application may also be made to the Secretary, for the time being, for lots, graves, or other information connected with the said Cemetery.

RULES AND REGULATIONS.

1. All Lots shall be held in pursuance of Provincial Statute 13 & 14 Victoria, Cap. 76, authorizing the formation of Cemetery Companies, and shall not be used for any other purpose than as a place of burial for the dead.

2. All interments in Lots shall be restricted to the members of the family and relatives of the proprietors thereof, except special permission to the contrary be obtained in writing at the Office of the Corporation.

3. The proprietor of each Lot shall have a right to enclose the same with posts and chains, according to the form designated by the Directors.

4. It shall be the duty of the Directors from time to time to make such Rules and Regulations for the planting, improvement and government of the grounds, as they may deem requisite and proper, to secure and promote the general objects of the Institution.

RULES CONCERNING INTERMENTS.

1. The duties of superintendent of interments will be performed by the Keeper of the grounds, who will reside at the Cemetery, and be required to attend every interment.

2. In case of burial, a statement giving the name, age, place of nativity, residence and disease of the person to be interred, must be handed to the Keeper, for the purpose of an accurate register being made of the same.

3. Whenever interments are to be made at least six hours previous notice thereof must be given to the Keeper of the Cemetery.

4. All interments will be subject to the following charges, which must be paid to the Treasurer of the Company or to the Keeper of the grounds at the time of interment:—

Opening, closing and sodding each adult grave, 7s. 6d.

Opening, closing and sodding each child's grave, 5s. 0d.

RULES FOR VISITORS.

Each proprietor of a Lot will be entitled to a ticket of admission into the Cemetery with vehicle, under the following regulations, the violation of which, or a *loan of a ticket*, involves a forfeiture of the privilege:—

1. No vehicle will be admitted unless accompanied by a proprietor or a member of his or her household, with his or her ticket, or unless presenting a special ticket of admission obtained of the Secretary.

2. On Sundays the carriage gates will be closed, proprietors of Lots however, and the public generally, will be admitted on foot, by applying to the Keeper at the Lodge.

3. None but Lot-holders and their household will be admitted on horseback, and they only by obtaining a special ticket of admission at the Office of the Secretary.

4. No vehicle will be allowed to pass through the grounds at a rate exceeding *four miles the hour*.

5. No person or party having refreshments will be permitted to come within the grounds, nor will any smoking be allowed.

6. Children will not be admitted without their parents or guardians, or some person in charge of them, who will be held responsible for their conduct: persons having dogs must leave them fastened at the gate.

7. No horse may be left within the grounds by the driver unfastened.

8. All persons are prohibited from breaking any tree, shrub or plant.

9. All persons are prohibited from writing upon, defacing, or injuring any monument, fence or other structure, in or belonging to the Cemetery.

10. Any person disturbing the quiet and good order of the place by noise or other improper conduct will be punished according to law.

CATALOGUE OF PROPRIETORS:

(TO JUNE 21st, 1852.)

G. B. Hall,
W. S. Conger,
Robert Nichols,
James Harvey,
James Wallis,
William Cluxton,
James Hall,
Thomas Benson,
Robert Dennistoun,
Charles Perry,
G. F. Orde,
John Harvey,
Edmond Chamberlen,
James Stevenson,
Robert Thompson,
William Snyder,
A. McNeil,
Christopher Marshall,

James Edwards,
S. J. Carver,
William Hall,
George Brownlee,
John F. Albro,
A. Cathcart,
A. S. Fraser,
George Jenkins,
W. H. J. Vizard,
Daniel Griffith,
Walter Sheridan,
Thomas Fortye,
Samuel Dickson,
Rev. John Gilmour,
Rev. John M. Rogers,
Clarke Spalding,
R. D. Rogers.

REPORT

*To accompany a Plan of the arrangement and mode of laying out the
Ground of the "Little Lake Cemetery," Peterborough, C. W.:*

GENTLEMEN,

Having, according to your instructions, made a survey of the proposed site for a Cemetery, and carefully studied the natural features and contour of the ground, which possesses a variety of outline, and though in some places uneven, is not hilly or anywhere precipitous, it was deemed advisable to deviate altogether from the method hitherto adopted of laying out the ground in rectangular blocks, inasmuch as it would be more inconvenient and expensive to excavate for carriage roads in direct lines over the undulating surface of the north-western portion of the proposed Cemetery, than to wind round the slopes in easy and graceful curves.

The spot selected is one possessing an unrivalled advantage over any other of the kind I have seen in this country, and requires but a small outlay of capital to render it the most attractive in Canada.

The soil is in no instance swampy; and if at any time, surface water should accumulate from heavy rains, or the sudden thawing of heavy falls of snow, it can be easily carried off by shallow drains into the adjoining Lake; for this purpose, one principal drain might be constructed, if absolutely necessary, in the concave ground between the Octagon on the east and the Chapel Block on the west, having a fall of about one inch in every ten feet; and in order that none of the graves might be disturbed, it can be excavated in its entire length under the carriage roads, in a direction from south to north—the outlet of the said drain should be towards the north-east. No other would be required in any part of the Cemetery: the soil being dry and porous, and well adapted for the purposes of interment.

As a "Receiving Vault" has become an indispensable appendage to modern Cemeteries, and it is in contemplation to erect a small chapel at some future day, for the convenience of reading the Burial Service, a block of land has been reserved entire for that purpose. The building should be of a plain and unobtrusive design, and of that style of architecture which prevailed in England about the year 1200, and generally known as the "Early English, or Lancet Style."

Whenever a Receiving Vault is absolutely required, it can be constructed so as to correspond with the chancel of a Church, when the entire edifice is erected; but this apparent chancel is to have no internal

communication with the main building, but merely attached so as to preserve unity of design, and so save the expense of two separate buildings.

After some little outlay has been made in improving the roads, &c., a Superintendent's residence will be required, the occupier of which, should be constantly engaged in carrying forward such improvements as have been decided upon and begun, and also to prevent any injury being done to the trees and fences, either through malice or wantonness. This building should be situated within a short distance of the main entrance or gateway, and correspond in appearance with the chapel.

Those blocks not subdivided into lots, are intended to be reserved for any specific requirement that may arise in future, (including, at the same time, that part which skirts the margin of the Lake,) and are to be kept as shrubberies,—not, however, in one dense mass of foliage, but interspersed with occasional vistas, so as to increase the variety and produce an ornamental and picturesque effect; all broken angles and fragments of lots are intended also to be reserved for planting.

It is proposed to intersect these reserves and blocks with footpaths about four feet wide, laid with gravel; rustic seats made from the gnarled and knotty branches of trees, should be secured at proper distances, for the purposes of repose and meditation.

On the summit level, and the north side of the grounds, are to be found numerous gneiss and granite boulders, which, at first, may be considered a great inconvenience when digging for graves, but I would on no account recommend their removal from the ground, inasmuch as the large ones can be surrounded and sheltered with shrubs, and occasionally used as seats, whilst the smaller ones might be collected together and piled up to form a cairn.

In wealthy and densely peopled districts, the most effective arrangement is aimed at, and greater attention is bestowed upon the design and distribution of sepulchral monuments, and the prevention of any incongruous structures being placed upon the ground:—but in the infancy of this establishment, the careful introduction of trees, shrubs, and grass plots, should be your first care.

The choice of trees should not fall upon such as have their foliage of a very bright and vivid green: and those that have a pendent tendency should chiefly be preferred, such as the dwarf beech, birch, acacia, the larch and the willow, which, not only have a pleasing contrast of color, but also differ in character;—the long avenue, as a variety to this, is intended to be planted with the aspen and poplar.

The Octagon may be used for interment, if absolutely required ; but at present, the central space is reserved for a group of willow trees, with seats under, and so situated as to be in front of, and command a view of any approach on the cruciform carriage way.

The principal blocks allotted for interment are mapped out into pathways four feet wide, and subdivided into lots eight feet by fourteen feet six inches, making an area of 116 square feet, being, I believe, sixteen feet more than is by law required. The stakes already planted on the cruciform carriage-way, are thirty-three feet apart ; two feet on each side of these stakes are to be taken to make the footpaths, and so on in straight lines, as shewn on the accompanying map.

The blocks are first lettered, then divided into ranges, and again sub-divided into lots, and numbered, in order to describe any particular lot which may be required.

I have the honor to be,

Gentlemen,

Your very obedient Servant,

F. F. PASSMORE,

Provincial Land Surveyor.

Toronto, December 10, 1851.

To the President and Directors of
the "Little Lake Cemetery,"
Peterborough.



CAP. LXXVI.

An Act to authorize the formation of Companies for the establishment and management of Cemeteries in Upper Canada.

[10th August, 1850.]

WHEREAS it hath become necessary to the health of many Towns in Upper Canada, that Public Cemeteries should be established near to, but without the limits of the said Towns, upon the plan now adopted by the Inhabitants of many of the Cities in Europe and America: And whereas the delay and expense incident upon obtaining a special Act for each Company operate as a great discouragement to persons desirous of founding such Cemeteries: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That any number of persons, not less than twenty respectively, may, in Upper Canada, form themselves into a Company under the provisions of this Act for the purposes aforesaid.

II. And be it enacted, That when any number of persons not less than twenty shall have subscribed, and paid in a sufficient quantity of stock to amount to a sum adequate, in their judgment, to the purchase of the ground required for a Cemetery, and shall have executed an instrument according to the form in the Schedule A, to this Act contained, and shall have paid to the Treasurer of such intended Cemetery twenty-five per cent. upon the capital stock intended by such Company to be raised for the purpose aforesaid, which sum shall not be less than that required for the purchase of the grounds necessary for such Cemetery, and shall have registered such instrument at full length, together with a receipt from the Treasurer of such Company, for such first instalment of twenty-five per cent. as aforesaid, with the Register of the County in which the grounds to be purchased shall be situate, such Company shall thenceforth become and be a body corporate by such name as shall be designated in the instrument so to be registered as aforesaid; and by such name, they and their successors shall and may have perpetual succession, and shall be capable, both at law and in equity, of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended in all Courts of law and equity, and places whatsoever, in all manner of actions, suits, complaints, and causes whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their will and pleasure, and they and their successors, by their corporate name, shall be capable of taking, purchasing, having, holding, conveying, selling, and departing with, any piece or parcel of land in Upper Canada, to be used exclusively as a Cemetery, or a place for the burial of the dead.

III. And be it enacted, That the affairs, property, and concerns of every such Company which shall or may be formed under the provisions of this Act, shall be managed by nine Directors, a majority of whom shall form a quorum capable of doing business, which said Directors shall be chosen by ballot from among the subscribers to the said

instrument so to be registered as aforesaid, and thereafter to be annually elected by the said stockholders on the third Monday in January in each and every year; and that upon the first and every such election of Directors, each shareholder shall be entitled to one vote for every share he may hold or be possessed of up to ten, and one vote for every five shares above ten; but no stockholder shall be allowed to vote at any election unless he shall have paid at least ten shillings upon each lot or share he may hold.

IV. And be it enacted, That every lot or share in the said Cemetery shall contain not less than one hundred superficial feet, and every person holding such lot or share, and having paid as before provided, shall be deemed and taken to be a shareholder, and every shareholder who shall have paid in a sum not less than two pounds, shall be eligible for a Director.

V. And be it enacted, That the Directors, or a majority of them, shall, at their first meeting, elect one of their number to be President of the said Company, and the President, if present (or if he be not present, then some Director chosen for the occasion), shall preside at all meetings, and in cases of equality shall have the casting vote: And the said Directors may pass By-laws for the laying out, selling, and management of the grounds required for the Cemetery,—for regulating the erection of tombs, monuments, or grave-stones therein, and for empowering the President to execute deeds or conveyances of plots of ground in the Cemetery to shareholders,—and shall keep a book in which shall be recorded all By-laws and proceedings, and to which any person shall have access for the purpose of searching and making extracts therefrom without payment of any fee whatsoever.

VI. And be it enacted, That the real estate or any Company formed under the provisions of this Act, and the lots or plots when conveyed by the Company to individual proprietors, shall be exempt from taxation or assessment of any kind, and not liable to be seized or sold on execution, or attached or applied to the payment of debts by assignment under any bankrupt or insolvency law, that all lots or plots of ground when conveyed and numbered as lots by any Company formed under the provisions of this Act, shall be indivisible, but may afterwards be held and owned in undivided shares: and one-half of the proceeds of all sales made by any such Company shall be first applied to the payment of the purchase money of the land acquired by such Company, and the residue thereof to preserving, improving, and embellishing the land as a Cemetery, or burial ground, and to the incidental expenses of the Cemetery Establishment: and after payment of such purchase money, the proceeds of all future sales shall be applied to the preservation, improvement, and embellishment of the Cemetery, and the incidental expenses thereof, and to no other purpose whatever: And no dividend or profit of any kind shall be paid by any such Company to any member or members thereof: Provided nevertheless, that the Directors of said Company shall be personally liable for any judgment recovered against the said Company.

VII. And be it enacted, That any Company formed as aforesaid shall furnish graves for strangers and the poor of all denominations, free of charge, on the certificate of a Minister or Clergyman of the denomination to which such person may have belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the Cemetery:

and the Directors of any such Company may sell any lot of any size whatever, but no party being proprietor of a lot containing a less quantity than one hundred superficial feet, shall thereby become a Member of the said Company, or have any vote in the management of the affairs thereof.

VIII. And be it enacted, That the lots sold by any Company formed as aforesaid, shall be conveyed by a deed, in the form in the Schedule to this Act marked B, which conveyance shall not require to be registered for any purpose whatever, nor shall it be affected by any Registry Act now in force in Upper Canada, nor shall any judgment, mortgage, or incumbrance in any wise subsist on any lot so conveyed.

IX. And be it enacted, That any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave-stone, or other structure placed in any Cemetery, or any fence, railing, or other work for the protection or ornament of any Cemetery, or of any tomb, monument, grave-stone, or other structure aforesaid, or of any Cemetery lot within any Cemetery, or shall wilfully destroy, cut, break, or injure any tree, shrub, or plant, within the limits of any Cemetery, or play at any game or sport, or discharge fire-arms (save at a military funeral) in any such Cemetery, or who shall wilfully and unlawfully disturb any persons assembled for the purpose of burying any body therein, or who shall commit any nuisance in any such Cemetery, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any Justice of the Peace, or other Court of competent jurisdiction, be punished by a fine of not less than one pound nor more than ten pounds, according to the nature of the offence; and such offender shall also be liable to an action of trespass, to be brought against him in any Court of competent jurisdiction, in the name of any such Corporation aforesaid, to pay all damages which shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied under the direction of the Directors for the reparation and re-construction of the property destroyed, and members of any such Company may be competent witnesses in such suits.

X. And be it enacted, That every Company formed as aforesaid shall make regulations for ensuring that all burials within its Cemetery are conducted in a decent and solemn manner.

XI. And be it enacted, That no body shall be buried in any vault under any chapel or other building in any such Cemetery, nor within fifteen feet of the outer wall of any such chapel or building.

XII. And be it enacted, That every part of every such Cemetery shall be enclosed by walls or other sufficient fences of the height of eight feet at least.

XIII. And be it enacted, That every Company formed as aforesaid shall keep its Cemetery, and the buildings and fences thereof, in complete repair and in good order and condition out of the moneys to be received by it in virtue of this Act.

XIV. And be it enacted, That every Company formed as aforesaid shall make all proper and necessary sewers and drains in and about its Cemetery for draining it and keeping it dry: and they may from time to time, as occasion requires, cause any such sewer or drain to open into any existing sewer, with the consent in writing of the persons having the management of the street or road, and of the owners or occupiers of

the lands through which such opening is made, doing as little damage as possible to the road or ground wherein such sewer or drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

XV. And be it enacted, That if any Company formed as aforesaid at any time cause or suffer to be brought or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond, or watering place, any offensive matter from their Cemetery, whereby the water therein shall be fouled, the Company so offending shall forfeit for every such offence the sum of Twelve Pounds Ten Shillings currency.

XVI. And be it enacted, That the said penalty, with full costs of suit, may be recovered by any person having right to use the water fouled by such offensive matter by a civil action in any Court of competent jurisdiction: Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

XVII. And be it enacted, That in addition to the said penalty of Twelve Pounds Ten Shillings (and whether the same be recovered or not) any person having right to use the water fouled by such offensive matter may sue the Company in a civil action in any Court of competent jurisdiction for any damage specially sustained by him by reason of the water being so fouled; or, if no special damage be alleged, for the sum of Two Pounds Ten Shillings for each day during which such offensive matter is brought or flows as aforesaid, after the expiration of twenty-four hours from the time when notice of the offence is served upon the Company by such person.

XVIII. And be it enacted, That the Directors of any Company formed under the provisions of this Act shall have full power to call for instalments on the sums which shall be subscribed for, and to appoint a time for the payment thereof, and if the same shall not then be paid, the right of any subscriber, and every instalment he may have formerly paid, shall be forfeited, and he shall be held not to have subscribed, unless the Directors shall think it expedient to remit such forfeiture, which they may do in their discretion, if the instalments be paid with interest within one year after the day when it ought to have been paid.

XIX. And be it enacted, That this Act shall be a Public Act.

SCHEDULE A.

Be it remembered, that on this day of in
the year of our Lord one thousand eight hundred and
We, the undersigned, Stockholders, met at in the County
of in the Province of Canada, and resolved to form
ourselves into a Cemetery Company, to be called
according to the provisions of an Act of Parliament, intituled, *An Act,
&c., (insert the title of this Act)* and we do hereby agree that the Capital
Stock of the said Company shall be pounds, to be divided
into shares of pounds each, entitling the holder to one
hundred superficial feet; and we, the undersigned Stockholders, do
hereby agree to accept and take the number of shares set by us opposite

to our respective signatures, and we do hereby agree to pay the calls thereon, according to the provisions of the said Act, and of the Rules, Regulations, and By-laws of the said Company, to be made in that behalf.

NAME.	No. OF SHARES.	AMOUNT.

B.

Know all men by these presents, That the Cemetery, in consideration of Pounds, paid to them by of the receipt whereof is hereby acknowledged, do grant unto the said his heirs and assigns, Lot of Land in the Cemetery of the said Company, called , and situate in the County of , which Lot is delineated and laid down on the map of the said Cemetery, and which said Lot is therein designated by the name of , containing by admeasurement superficial feet ; To have and to hold the herein above named premises, &c.

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